

SEP 16 2013

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISIONBy: *James N. Hatten*, Clerk  
*James N. Hatten*, Deputy Clerk

ANTONIO FLORES-CRUZ,	:	
	:	
Movant	:	CRIMINAL ACTION FILE NO.
	:	1:11-CR-203-ODE-GGB
v.	:	
	:	CIVIL ACTION FILE NO.
UNITED STATES OF AMERICA,	:	1:12-CV-4200-ODE-GGB
	:	
Respondent	:	

ORDER

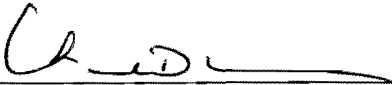
This criminal case is before the Court on the Final Report and Recommendation of United States Magistrate Judge Gerrilyn G. Brill filed August 22, 2013 [Doc. 52]. No objections have been filed.

In the Report and Recommendation, the Magistrate Judge recommends that Movant's § 2255 motion be denied and that a certificate of appealability be denied. Specifically, the Magistrate Judge found that (1) Movant did not receive ineffective assistance of counsel that resulted in an involuntary guilty plea, (2) Movant's counsel was not ineffective for failing to make an argument that would have been unsuccessful, (3) even assuming Movant had the right to counsel to advise him of his right to pursue discretionary appeals, this claim still fails because he has not demonstrated prejudice, and (4) Movant did not have a constitutional right to have counsel file a motion to withdraw before the time for filing such discretionary appeals had passed.

The Court having read and considered the Report and Recommendation and noting the absence of any objections, it is hereby ADOPTED as the opinion and order of the Court. For the reasons set

forth in the Report and Recommendation, Movant's § 2255 motion [Doc. 44] is DENIED and a Certificate of Appealability is DENIED.

SO ORDERED, this 16 day of September, 2013.

  
ORINDA D. EVANS  
UNITED STATES DISTRICT JUDGE